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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 Raul Mendez,
13 Plaintiff,
14 v.
15 United States of America,
16 Defendant.

No. 2:25-cv-01048-SMB

**MOTION FOR A STAY OF
BRIEFING IN LIGHT OF LAPSE OF
APPROPRIATIONS**

17 The Government through counsel hereby moves for a stay of current briefing deadlines
18 in the above-captioned case. A motion to dismiss has been filed, to which the Government has
19 not yet filed a reply brief.

20 At the end of the day on September 30, 2025, the appropriations act that had been
21 funding the Department of Justice expired and appropriations to the Department lapsed. The
22 same is true for several other Executive agencies, including the United States Army that is the
23 primary agency at issue in this matter. The Department does not know when funding will be
24 restored by Congress.

25 Absent an appropriation, Department of Justice attorneys and employees of the Army
26 are prohibited from working, even on a voluntary basis, except in very limited circumstances,
27 including “emergencies involving the safety of human life or the protection of property.” 31
28 U.S.C. § 1342.

1 Undersigned counsel for the Department of Justice therefore requests a stay of briefing
2 until Congress has restored appropriations to the Department.

3 If this motion for a stay is granted, undersigned counsel will notify the Court as soon
4 as Congress has appropriated funds for the Department. The Government requests that, at that
5 point, all current deadlines for the parties be extended commensurate with the duration of the
6 lapse in appropriations.

7 The Government represents to the Court that counsel for Plaintiff does not have an
8 objection to this motion.

9 The Government regrets this disruption caused to the Court and parties. For the reasons
10 stated, the Government hereby moves for a stay of briefing in this case until Department of
11 Justice attorneys are permitted to resume their usual civil litigation functions.

12 Respectfully submitted on October 1, 2025.

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